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| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><br><small>(Only for nonprovisional applications under 37 CFR § 1.53(b))</small> |  | Attorney Docket No. <b>CROSS1560</b>   |  |
|   |  | First Inventor or Application Identifier <b>Steven A. Justiss, et al.</b>                        |  |
|   |  | Title <b>SYSTEM AND METHOD FOR MAINTAINING AND REPORTING<br/>A LOG OF MULTI-THREADED BACKUPS</b> |  |
|   |  | Express Mail Label No. <b>EV351127595US</b>  |  |

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| <b>APPLICATION ELEMENTS</b><br><small>See MPEP chapter 600 concerning utility patent application contents.</small> | <b>ADDRESS TO:</b> <b>Mail Stop Patent Application</b><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |
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| 1. <input checked="" type="checkbox"/> <b>Fee Transmittal for FY 2003</b><br><small>(Submit an original and a duplicate for fee processing)</small><br>2. <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages] <b>24</b><br><small>(preferred arrangement set forth below)</small><br><input checked="" type="checkbox"/> Descriptive Title of the Invention<br><input type="checkbox"/> Cross References to Related Applications<br><input checked="" type="checkbox"/> Background of the Invention<br><input checked="" type="checkbox"/> Summary of the Invention<br><input checked="" type="checkbox"/> Brief Description of the Drawings (if filed)<br><input checked="" type="checkbox"/> Description of Preferred Embodiments<br><input type="checkbox"/> References<br><input checked="" type="checkbox"/> Claim(s)<br><input checked="" type="checkbox"/> Abstract of the Disclosure<br>3. <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 USC 113) [Total Sheets] <b>5</b><br>4. <input checked="" type="checkbox"/> <b>Oath or Declaration</b> [Total Pages] <b>2</b><br>a. <input checked="" type="checkbox"/> Unexecuted (original or copy)<br>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><small>(for continuation/divisional with Box 17 completed)</small><br>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)<br>5. <input type="checkbox"/> <b>Incorporation By Reference</b> (useable if box 4b is checked).<br>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | 6. <input type="checkbox"/> Microfiche Computer Program (Appendix)<br>7. <input type="checkbox"/> <b>Nucleotide and Amino Acid Sequence Submission</b><br><small>(if applicable, all necessary)</small><br>a. <input type="checkbox"/> Computer-Readable Copy<br>b. <input type="checkbox"/> Paper Copy (identical to computer copy)<br>c. <input type="checkbox"/> Statement verifying identity of above copies<br><b>ACCOMPANYING APPLICATION PARTS</b><br>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))<br>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> <b>Power of Attorney</b><br><small>(when there is an assignee)</small><br>10. <input type="checkbox"/> English Translation Document (if applicable)<br>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations<br>12. <input type="checkbox"/> Preliminary Amendment<br>13. <input checked="" type="checkbox"/> Return Receipt Postcard<br>14. <input checked="" type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired<br>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><small>(if foreign priority is claimed)</small><br>16. <input checked="" type="checkbox"/> Other: <b>Certificate of Mailing</b><br><b>Check: \$444.00</b><br><b>Request for Non-Publication</b> |
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| 17. <b>If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment</b><br><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-In-Part (CIP) of prior Application No.: _____<br>Prior application information: Examiner _____ Group / Art Unit _____ |  |
| <input type="checkbox"/> Claims the benefit of Provisional Application No. _____   |  |

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| <b>CORRESPONDENCE ADDRESS:</b>  |   |
| Gray Cary Ware & Freidenrich LLP<br>1221 South MoPac Expressway, Suite 400<br>Austin, TX 78746-6875<br>Tel. (512) 457-7016<br>Fax. (512) 457-7001 | <b>Customer No. :</b><br><br><b>25094</b> |

TYPED or PRINTED NAME **Mark L. Berrier**REGISTRATION NO. **35,066**

SIGNATURE

DATE: **August 7, 2003**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

|                      |                           |
|----------------------|---------------------------|
| Application Number   | Unknown                   |
| Filing Date          | August 7, 2003            |
| First Named Inventor | Steven A. Justiss, et al. |
| Examiner Name        | Unknown                   |
| Art Unit             | Unknown                   |
| Attorney Docket No.  | CROSS1560                 |

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 444.00**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ NoneDeposit  
Account  
Number

50-0456

Deposit  
Account  
Name

Gray Cary Ware &amp; Freidenrich LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge (fees) indicated below. ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        |
|--------------|----------|--------------|----------|------------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |
| 1001         | 750      | 2001         | 375      | Utility filing fee     |
| 1002         | 330      | 2002         | 165      | Design filing fee      |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |

Fee Paid

375.00

**SUBTOTAL (1) (\$)** 375.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|              |    |         |   |   |                |   |   |          |       |
|--------------|----|---------|---|---|----------------|---|---|----------|-------|
| Total Claims | 23 | -20** = | 3 | X | Fee from below | 9 | = | Fee Paid | 27.00 |
|--------------|----|---------|---|---|----------------|---|---|----------|-------|

|                    |   |        |   |   |                |       |   |          |       |
|--------------------|---|--------|---|---|----------------|-------|---|----------|-------|
| Independent Claims | 4 | -3** = | 1 | X | Fee from below | 42.00 | = | Fee Paid | 42.00 |
|--------------------|---|--------|---|---|----------------|-------|---|----------|-------|

|                    |  |   |  |   |          |      |
|--------------------|--|---|--|---|----------|------|
| Multiple Dependent |  | X |  | = | Fee Paid | 0.00 |
|--------------------|--|---|--|---|----------|------|

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                      |
| 1204         | 84       | 2204         | 42       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) (\$)** 69.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**


| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 410      | 2252         | 205      | Extension for reply within second month                                    |          |
| 1253         | 930      | 2253         | 465      | Extension for reply within third month                                     |          |
| 1254         | 1,450    | 2254         | 725      | Extension for reply within fourth month                                    |          |
| 1255         | 1,970    | 2255         | 985      | Extension for reply within fifth month                                     |          |
| 1401         | 320      | 2401         | 160      | Notice of Appeal   |          |
| 1402         | 320      | 2402         | 160      | Filing a brief in support of an appeal                                     |          |
| 1403         | 280      | 2403         | 140      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,300    | 2453         | 650      | Petition to revive - unintentional   |          |
| 1501         | 1,300    | 2501         | 650      | Utility issue fee (or reissue)   |          |
| 1502         | 470      | 2502         | 235      | Design issue fee   |          |
| 1503         | 630      | 2503         | 315      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 750      | 2809         | 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 750      | 2810         | 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 750      | 2801         | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 0.00**SUBMITTED BY**

Complete (if applicable)

|                   |   |                                   |                |           |              |
|-------------------|---|-----------------------------------|----------------|-----------|--------------|
| Name (Print/Type) | Mark L. Berrier   | Registration No. (Attorney/Agent) | 35,066         | Telephone | 512-457-7016 |
| Signature         |  | Date                              | August 7, 2003 |           |              |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

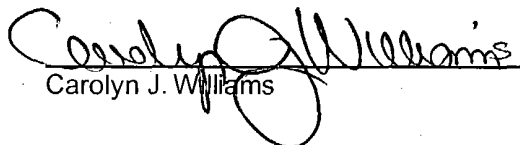
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Gray Cary/AU/4111503.1

| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  |  |
|---|--|
| <b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>   | Atty Docket No. (Optional)<br><b>CROSS1560</b>   |
| <b>Mail Stop Patent Application</b><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450<br><br>Sir: | In the Application of:<br><b>Steven A. Justiss, et al.</b>                                       |
|   | Date Filed:<br><b>August 7, 2003</b>   |
|   | Title:<br><b>SYSTEM AND METHOD FOR MAINTAINING AND REPORTING A LOG OF MULTI-THREADED BACKUPS</b> |

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Unexecuted Declaration and Power of Attorney, Utility Patent Application, five (5) pages of Drawings, Request for Non-Publication, \$444.00 Check and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV351127595US**, on **August 7, 2003**, addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,  
**Gray Cary Ware & Freidenrich LLP**


  
 Carolyn J. Williams

|  |                      |  |
|--|----------------------|--|
| <b>REQUEST AND CERTIFICATION<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Named Inventor | Steven A. Justiss, et al.  |
|  | Title                | SYSTEM AND METHOD FOR MAINTAINING<br>AND REPORTING A LOG OF MULTI-<br>THREADED BACKUPS |
|  | Atty. Docket:        | CROSS1560  |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 7, 2003

Date

  
Mark L. Berrier  
Reg. No. 35,066

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 C.F.R. 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.